

MONTANA LEGISLATIVE HISTORY

Chapter 160 1983

Bill H _____ S 239 Original bill & history ☒ c

H. Committee on Highways
Hearing Date(s) _____ c

_____ c
3/8 ✓ c
_____ c

Date Out 3/8 ✓ c

S. Committee on Highways
Hearing Date(s) _____ c

_____ c
1/27 ✓ c
_____ c

DATE out 1/27 ✓

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

RETURNED TO SENATE WITH AMENDMENTS: 3/26/83
2ND READING: 04/01/83 AYES: 46; NAYS: 0
3RD READING: 04/04/83 AYES: 45; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/9/83
SIGNED: 4/12/83, CHAPTER 426

SB 238 -- OCHSNER, MC CALLUM, HOLLIDAY, ET AL. -- TO GENERALLY REVISE THE
RELATING TO THE REGULATION OF THE SALE AND USE OF PESTICIDES....
BY REQUEST OF: THE DEPARTMENT OF AGRICULTURE

INTRODUCED: 01/21/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 01/21/83
HEARING: 2/2/83
REPORT: 02/11/83, DO NOT PASS
ON MOTION, 2/12/83, THAT THE BILL BE RECONSIDERED. MOTION PASSED.
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 02/12/83
HEARING: 2/16/83
ON MOTION, 2/21/83, THAT THE BILL BE PRINTED AND PLACED ON 2ND READING.
FAILED BY THE FOLLOWING VOTE: AYES: 25; NAYS: 25.
BILL KILLED.

SB 239 -- KEATING, CRIPPEN, LEE -- PROVIDING FOR FULL CONTROL AND MANAGEMENT
MUNICIPAL PUBLIC TRANSPORTATION SERVICES AND TRANSPORTATION DISTRICT SERVICES BY
MUNICIPALITY OR DISTRICT....

INTRODUCED: 01/21/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 01/21/83
HEARING: 1/27/83
REPORT: 01/27/83, DO PASS
2ND READING: 01/29/83 AYES: 46; NAYS: 0
3RD READING: 02/01/83 AYES: 48; NAYS: 0
TRANSMITTED TO HOUSE: 2/1/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 02/02/83
HEARING: 3/8/83
REPORT: 03/08/83, BE CONCURRED IN
2ND READING: 03/09/83, BE CONCURRED IN AYES: 87; NAYS: 2
3RD READING: 03/10/83, BE CONCURRED IN AYES: 97; NAYS: 0

RETURNED TO SENATE: 3/10/83

TRANSMITTED TO GOVERNOR: 03/18/83
SIGNED: 03/22/83, CHAPTER 160

SB 240 -- MC CALLUM, E. SMITH, OCHSNER, ET AL. -- TO ALLOW THE TRUSTEES OPERATING
POSTSECONDARY VOCATIONAL-TECHNICAL CENTER TO INCLUDE IN THE PROPOSITION FOR
ADDITIONAL LEVY IN SUPPORT OF THE CENTER FINANCING FOR SALARIES, BENEFITS, OPERATION
AND EQUIPMENT
BY REQUEST OF: THE LEGISLATIVE FINANCE COMMITTEE

INTRODUCED: 01/21/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 01/21/83
HEARING: 1/31/83
REPORT: 02/01/83, DO PASS
2ND READING: 02/03/83 AYES: 50; NAYS: 0
3RD READING: 02/05/83 AYES: 46; NAYS: 0

SENATE BILL NO. 239

INTRODUCED BY KEATING, CRIPPEN, LEE

IN THE SENATE

January 21, 1983	Introduced and referred to Committee on Highways and Transportation.
January 27, 1983	Committee recommend bill do pass. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Correctly engrossed.
February 1, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 2, 1983	Introduced and referred to Committee on Highways and Transportation.
March 8, 1983	Committee recommend bill be concurred in. Report adopted.
March 9, 1983	Second reading, concurred in.
March 10, 1983	Third reading, concurred in.

IN THE SENATE

March 11, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
----------------	--

BILL NO. 239

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR FULL CONTROL AND MANAGEMENT OF MUNICIPAL PUBLIC TRANSPORTATION SERVICES AND TRANSPORTATION DISTRICT SERVICES BY THE MUNICIPALITY OR DISTRICT; AMENDING SECTIONS 7-14-4403 AND 69-12-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-4403, MCA, is amended to read:

"7-14-4403. Operation of municipal busline. (1) The city or town council or commission shall have authority to provide for the management and operation of the system authorized by 7-14-4401(1) and to do all things necessary for the successful operation of said transportation system.

~~(2) Such operations shall be subject to all the provisions of title 69, chapter 12, except that:~~

~~(a) such municipality may be issued a certificate of public convenience and necessity without proof of the existence of public convenience and necessity; and~~

~~(b) the municipality shall be exempt from the payment of fees provided by 69-12-421 and 69-12-422."~~

Section 2. Section 69-12-102, MCA, is amended to read:

"69-12-102. Scope of chapter -- exemptions. (1) Except

as provided in 69-12-201(1)(f), this chapter does not affect:

(a) motor vehicles used in carrying property consisting of agricultural commodities (not including manufactured products thereof) if the motor vehicles are not used in carrying other property or passengers for compensation;

(b) the operation of school buses which are used in conveying pupils or other students enrolled in classes to and from district or other schools or in transportation movements related to school activities which are sponsored or supervised by school authorities;

(c) the transportation by means of motor vehicles in the regular course of business of employees, supplies, and materials by a person or corporation engaged exclusively in the construction or maintenance of highways or engaged exclusively in logging or mining operations, insofar as the use of employees, supplies, and materials in construction and production is concerned;

(d) the transportation of property by motor vehicle in a city, town, or village with a population of less than 500 persons according to the latest United States census or in the commercial areas thereof, as determined by the commission;

(e) the transportation of newspapers, newspaper

-2- INTRODUCED BILL

SB 239

1 supplements, periodicals, or magazines;

2 (f) tow trucks and wreckers designed and exclusively
3 used in towing abandoned, wrecked, or disabled vehicles or
4 while these tow trucks and wreckers are rendering assistance
5 to abandoned, wrecked, or disabled vehicles;

6 (g) motor vehicles used exclusively in carrying junk
7 vehicles from a collection point to a motor vehicle wrecking
8 facility or a motor vehicle graveyard;

9 (h) ambulances; or

10 (i) the transportation of pit run or processed sand
11 and gravel, concrete mix, aggregate, plant mix asphalt
12 pavement, aggregate mix, dirt, rock, material from
13 demolished buildings and structures, used paving materials,
14 used concrete, broken concrete, riprap, and other forms and
15 types of materials transported solely for the purpose of
16 excavation or fill; or

17 (j) the operation of:

18 (i) a transportation system by a municipality or
19 transportation district as provided in Title 7, chapter 14,
20 part 2; or

21 (ii) municipal bus service pursuant to Title 7, chapter
22 14, part 44.

23 (2) This chapter does not prevent bona fide leases,
24 brokerage agreements, or buy-and-sell agreements."

-End-

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION
MONTANA STATE SENATE

January 27, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on Thursday, January 27, 1983, at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called. Present: Senator Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Stimatz. Senator Graham and Senator Manning arrived a few minutes late. Senator Tveit arrived at 1:40 p.m. Those Senators absent: Senator Daniels.

SENATE BILL NO. 239: Hearing commenced on Senate Bill No. 239. Senator Keating, sponsor of Senate Bill No. 239, told the committee this bill exempts a municipal bus service or an urban transportation district from regulation by the Public Service Commission. This bill deals with city bus transportation within cities or towns. It specifically deals with two towns, Billings and Helena. These are the only two places where there are bus systems. It will exempt these city bus systems from control by the PSC. That is the primary purpose of the bill.

John R. Adamson, Transit Manager, City of Billings said the City of Billings supports the passage of Senate Bill No. 239, an act providing for full control and management of public transportation services and transportation district services by the municipality or district. He presented prepared testimony to the committee (Exhibit 1).

Bill Opitz, Public Service Commission, spoke in support of Senate Bill 239. He presented the committee with prepared testimony (Exhibit 2).

Keith L. Olson, Executive Director, Montana Logging Association gave prepared testimony in support of Senate Bill No. 239, but did not speak to the committee, (Exhibit 3).

Senator Hager asked Mr. Adamson if the bus system in Billings operates outside of the city limits.

Mr. Adamson said, yes they do. They travel about 5 miles outside the city limits to a nursing home.

Senator Elliott asked Mr. Opitz if any fees are paid by these organizations at the present time.

Mr. Opitz said the only fee the PSC receives is when they file an annual report, there is a fee of \$6.50 per year.

Senator Stimatz asked Mr. Opitz where the Butte bus system comes into this.

Mr. Opitz said he was not sure.

Mike Shea, Butte, told the committee the Butte Transit System is regulated by the PSC, and they are a municipality.

In closing, Senator Keating, said there are three municipalities instead of two, that would be affected by this bill.

There being no further discussion, hearing on Senate Bill No. 239 was closed.

HOUSE BILL NO. 32: Hearing commenced on House Bill No. 32, sponsored by Representative Holliday, Roundup. This bill prohibits movement of any vehicle on the highways unless the load is secured to prevent the contents from dropping, sifting, leaking or otherwise escaping if the contents create a hazard for other motorists. My major concern is firewood on the highways. I would like to offer the following amendment:

1. Line 12.
Following: "its"
Insert: "solid"

This bill is a preventive measure. Wyoming and North Dakota have similar legislation.

Jo Brunner, representing Women Involved in Farm Economics, (WIFE), spoke for the members of WIFE. They support this bill with the amendment. She presented the committee with prepared testimony (Exhibit 4).

Robin MacNab, representing the Montana Livestock Markets Association, told the committee, with the amendment they are a proponent and without the amendment they are an opponent to House Bill No. 32. He told the committee there is not a livestock truck built today that will not seep.

Col. R. W. Landon, Highway Patrol, spoke in support of House Bill No. 32. We need this bill as a tool to make the highway safer. Currently, we do not have statutes to deal with securing loads. We do not feel it is asking too much of people to put ropes on their loads to secure them. I hope you favorably consider this legislation.

Senator Graham asked Col. Landon who is responsible for removing pieces of debris that fall onto the highway.

Protracted negotiations with them over joint funding and other joint contributions toward the project delayed the letting. There was also some difficulty in accomplishing the relocation of utility lines which were in conflict with the project. We currently anticipate that all of the remaining coal funds will be utilized on these two construction projects. Extension of the funding authority as proposed is proper and in line with Department of Highways needs and fund planning.

Sam Hubbard, Department of Highways, told the committee the Highway Department is in support of this bill.

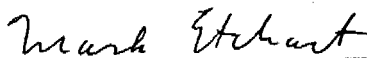
ACTION ON SENATE BILL NO. 245: Senator Stimatz made the motion that Senate Bill No. 245 DO PASS. Motion carried unanimously.

ACTION ON SENATE BILL NO. 239: Senator Shaw made the motion that Senate Bill No. 239 DO PASS. Motion carried unanimously.

ACTION ON HOUSE BILL NO. 32: Senator Etchart told the committee he would like to hold the bill until the next meeting, but the committee could take action on the amendment if they wanted to.

Senator Graham made the motion that the committee adopt the amendment proposed by Representative Holliday, that would on Line 12, following "its", insert the word "solid". The motion carried unanimously.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 1:55 p.m.



SENATOR MARK ETCHART
Chairman

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~XXXX~~ 1983

Date 1/27/

NAME	PRESENT	ABSENT	EXCUSE
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit <i>late 1:40</i>	<i>late</i>		
Senator Graham	<i>late</i>		
Senator D. Manning	<i>late</i>		
Senator Stimatz	✓		
Senator Daniels		<i>absent</i>	
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

Page 6

1/27/83

Highways - Senate

NAME _____

BILL #

Support

Oppose

NAME _____

REPRESENTING

BILL #

Check One

Support

Oppose

W. I. F. F.
MONT. LIVESTOCK
MARKETS ASSOCIATION

LB35

X

PSC

SB-239

X

M Dept of Highways

SB 245

X

City of Billings

SR 2307



HB 32

X

Highway Patrol

H332

X

Butte-Silver Bow

SB 239

X

Commerce Trans

SR 239

✓

(Please leave prepared statement with Secretary)

NAME: John R. Adamson DATE: 27 Jan 83

CITY OF BILLINGS,
ADDRESS: PO Box 1148, Billings, Montana 59103

PHONE: 1-657-8221

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: S. B. 239

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I have written Testimony to present

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY OF JOHN R. ADAMSON,
TRANSIT MANAGER
CITY OF BILLINGS, MONTANA
BEFORE THE SENATE HIGHWAY COMMITTEE
JANUARY 27, 1983

Thank you, Mr. Chairman and members of the Highway Committee. It is a privilege to speak before you concerning Senate Bill #239. The City of Billings supports the passage of Senate Bill #239, an act providing for full control and management of public transportation services and transportation district services by the municipality or district.

I would like to explain a little of the background concerning this bill. In the summer of 1982 the Public Service Commission removed themselves from any control over transportation districts in the State of Montana. They indicated that the current laws of the State of Montana did allow transportation districts to be exempted from the authority of the Public Service Commission. However, that same law did not allow municipalities and the city-owned and operated municipal bus lines to be exempted from the authority of the Public Service Commission. As a result of this discussion, the City of Billings, and the Public Service Commission concured, that the law should be changed to exempt municipal bus lines from the

authority of the Public Service Commission. Thus, Senate Bill #239 was prepared with the concurrence of the Public Service Commission.

The federal regulations already require the City of Billings, or any municipality which receives federal grants for transit operations, to hold a public hearing locally, prior to any rate increase. As a result of this regulation the Public Service Commission has never had a request for a public hearing on any rate increase in the City of Billings.

Secondly, all of the municipal bus lines in the State of Montana are subsidized by local taxpayers through a general property tax levy. The fares generally bring in only a small amount of the revenue, in the City of Billings case, less than 15%.

Lastly, I would like to point out that, this bill, Senate Bill #239, is intended strictly for cities and municipal governments which operate bus lines within their jurisdictions. By exempting the municipal bus lines from the authority of the Public Service Commission, you will not affect any intercity service.

HIGHWAY COMMITTEE Cont.
Senate Bill #239
Page 10

John R. Adamson,
Transit Manager
Billings, Montana

The City of Billings supports Senate Bill #239 and urges the Highway Committee to recommend "do pass" to the Senate. The Public Service Commission has already exempted urban transit districts. Secondly, we support this legislation because federal regulations already require substantial public input into the rate setting process. Thus, any further regulation by the Public Service Commission would be redundant and only add to the governmental red tape involved. Thirdly, fares are a small percentage of the total revenues received by municipal bus lines. Therefore, fares, although an important source of revenue, are a minor portion of total revenue. Lastly, this bill as drafted would only affect municipal transit lines operating only within their jurisdictions and would not have any effect on intercity bus service. For these reasons we urge the Senate Highway Committee to recommend "do pass" on Senate Bill #239.

Thank you. I would be happy to answer any questions the members may have concerning Senate Bill #239.

JOHN R. ADAMSON,
Transit Manager
City of Billings, Montana
(Ph. (406) 657-8221)

NAME: Bill Opitz DATE: 1/27/83
ADDRESS: 2 Wood Ct (home) 1227 11th Ave Helena
PHONE: 443-3624
REPRESENTING WHOM? Public Service Comm'n
APPEARING ON WHICH PROPOSAL: SB-239
DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____
COMMENTS: See attached statement

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE BILL 239

Under present statutes, municipalities are issued an operating authority by the Montana Public Service Commission upon request. No proof of public convenience or necessity is required. The Commission does, however, regulate the rates and charges for municipal buses. Even if the city government approves a rate increase or decrease, the change must then be further approved by the PSC. This removes local control of their own bus system.

In addition, virtually all municipal buses are in part federally funded. Local elected officials work with this federal funding to assure an adequate transportation system and further review by the PSC is not required.

The PSC will continue to maintain safety regulation on all vehicles used in these operations.

January 27 19 83

MR. **PRESIDENT:**We, your committee on **HIGHWAYS AND TRANSPORTATION**having had under consideration **SENATE** Bill No. **239**Respectfully report as follows: That **SENATE** Bill No. **239**DO PASS

HEARINGS

SENATE BILL 239. SEN. TOM KEATING, District 22, Billings, testified as chief sponsor of the bill, which he termed a Public Service Commission relief bill, to change Montana statutes to concide with federal transportation regulations for municipalities and eliminate unnecessary permitting by the Commission.

PROPOSERS

MR. JOHN ADAMSON, Billings, provided committee members with information pertaining to the bill and told the Committee municipalities are presently under the auspices of both federal regulations and the PSC, adding the bill was prompted by discovery of a quirk in Montana statutes during the summer of 1982. Mr. Adamson told the Committee, transportation rate increases require public hearings and the bill is only intended for bus line operations within cities, thus excluding inter-city lines.

MR. BILL OPITZ, Executive Director, PSC, stated his support of the bill and said there is a difference in setting rates for municipalities without public hearings, adding cities gaining bus lines would also be affected.

OPPOSERS

There were no opposers of the bill and Sen. Keating closed. Rep. Shontz was asked to carry the bill.

EXECUTIVE SESSION

SENATE BILL 239. REP. STOBIE moved the bill Be Concurred In. Rep. O'Connell seconded the motion, which was unanimously approved by the Committee.

HEARINGS

SENATE BILL 245. MR. GARY WICKS, Director, Department of Highways, told the Committee the bill was sponsored by Sen. Dave Manning at the request of the Department and said Sen. Manning would not be present to testify in support of the bill. Mr. Wicks advised the Committee, the 1979 Legislature set up funding of \$15 million for three coal-impacted counties in Eastern Montana and authorized the Department to construct certain projects. He said all

STANDING COMMITTEE REPORT

MARCH 8

83

19.....

MR. **SPEAKER:**.....

We, your committee on **HIGHWAYS AND TRANSPORTATION**.....

having had under consideration **SENATE** Bill No. **239**.....

THIRD reading copy (**BLUE**)
color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR FULL CONTROL AND MANAGEMENT OF MUNICIPAL PUBLIC TRANSPORTATION SERVICES AND TRANSPORTATION DISTRICT SERVICES BY THE MUNICIPALITY OR DISTRICT; AMENDING SECTIONS 7-14-4403 AND 69-12-102, MCA."

Respectfully report as follows: That..... **SENATE** Bill No. **239**.....

BE CONCURRED IN

DO PASS

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

WITNESS STATEMENT

Name John R Adamson Committee On Highways
Address P.O. Box 1178, Billings, Mont. Date 8 March 83
Representing City of Billings Support X
Bill No. SB 239 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

(statement to be mailed 3/9)

Comments:

1. SB 239 would exempt Municipal Transit systems from P.S.C. authority
2. SB 239 would decrease govt duplication & red tape, since Transit systems are already required by federal regulations to provide for the same public comment & input
3. SB 239 is intended to apply ^{only} to the three municipalities in Montana that provide Transit services.
4. SB 239 will apply to municipalities ~~that~~ that provide Transit services only within their jurisdictions. It does NOT apply to any service provided outside the ~~city~~ municipalities' jurisdictions.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Bill Opitz Committee On Highways & Trans.
 Address 1227 11th Ave Helena, MT Date 3/8/83
 Representing MT. PSC Support X
 Bill No. SB-239 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Because the revenues can come from various sources to support the bus systems, it is very difficult to arrive at a rate to be charged by these entities.
2. This will ^{presently} affect the cities of Great Falls, Butte, Helena & Billings.
3. The PSC will retain the ability to enforce the safety regulations on all vehicles used in these operations.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.